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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,902	11/16/2001	Scott D. Carty	9629	3481

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EXAMINER

COBY, FRANTZ

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 06/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/990,902

Applicant(s)

CARTY ET AL.

Examiner

Frantz Coby

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11-16-01.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

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This is in response to application filed on November 15, 2001 in which claims 1-15 are presented for examination.

**Status of Claims**

Claims 1-15 are pending.

***Information Disclosure Statement***

The information disclosure statement filed November 16, 2001 is in compliance with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609. It has been placed in the application file and the information referred to therein has been considered as to the merits.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 6, 10 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "an ISP" in line 22. There is insufficient antecedent basis for this limitation in the claim. In particular, it is not clear whether the ISP stated in

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line 22 is the same or a different ISP stated in line 6 of claim 1 from which claim 2 depends on.

Claim 6 recites the limitation "an ISP" in line 27. There is insufficient antecedent basis for this limitation in the claim. In particular, it is not clear whether the ISP stated in line 27 is the same or a different ISP stated in line 2 of claim 5 from which claim 6 depends on.

Claim 10 recites the limitation "an ISP" in line 31. There is insufficient antecedent basis for this limitation in the claim. In particular, it is not clear whether the ISP stated in line 31 is the same or a different ISP stated in lines 4-5 6 of claim 9 from which claim 10 depends on.

Claim 13 recites the limitation "an ISP" in line 32. There is insufficient antecedent basis for this limitation in the claim. In particular, it is not clear whether the ISP stated in line 32 is the same or a different ISP stated in lines 1-2 of this claim.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-2, 4-6, 8-10 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bahlmann U.S. Patent no. 6,487,594 in view of Hagan et al. U.S. Patent no. 6,734,886.

As per claims 1-15, Bahlmann discloses "entities relationship defining the manner in which information related to an Internet service provider operational environment" by providing a policy management method and system for Internet service providers. In particular, Bahlmann discloses the claimed features of attributes relating to ISP's billing plans, billing services, types of services, and categories of services (See Bahlmann Col. 4, lines 22-50; Col. 6, lines 10-58). Also, Bahlmann discloses ISP's communication facilities; communication servers; network routers; and ISP's networks (See Bahlmann Figure 4; Col. 5, line 17-Col. 8, line 41).

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It is noted however, Bahlmann did not specifically detail the aspect of storing customer web browsing habits in his database. On the other hand, Hagan et al. achieved the aforementioned claimed limitations by providing a method of customizing a browsing experience on a World Wide Web site in which the tracking database 52 provides a means for statistically tracking web site usage of users by analyzing the browsing habits of users (See Hagan et al. Col. 15, lines 1-6).

It would have been obvious to one of ordinary skill in the art at the time of the to modify the policy management method of Bahlmann wherein the central policy database provided thereof would have incorporated the method of analyzing browsing habits of users as taught by Hagan et al. The motivation being to allow the method of Hagan to customize the browsing experience of a user of a WWW site (See Hagan et al. Col. 2, lines 38-44); thus, management of policies for Internet service providers would have achieved more efficiently.

Claims 3, 7 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bahlmann U.S. Patent no. 6,487,594 in view of Hagan et al. U.S. Patent no. 6,734,886 and further in view of Kouba GB 2 348 338 A.

As per claims 3, 7 and 11, most of the limitations of these claims have been noted in the rejection of claims 1-2, 4-6, 8-10 and 12-15 above. It is noted however, neither Bahlmann nor Hagan et al. specifically detail the aspects of ISP's post office or POP, POP areas, POP's regions. Kouba, on the other hand, achieved the

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aforementioned claimed features by providing a processing unit that presents itself to the Internet as an SMTP client and transmits CIL records from the remote site, which is received at a central site. The central logging system then retrieve the records by connecting to the post office protocol server provided by the Internet provider and requesting messages pertaining to it (See Kouba Page 1).

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the combination of Bahlmann and Hagan et al. as explained above by introducing a post office protocol because that would further enhanced data transfer between the ISP and its clients.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz Coby whose telephone number is 703 305-4006. The examiner can normally be reached on Maxi-Flex (Monday-Saturday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703 308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Frantz Goby  
Primary Examiner  
Art Unit 2171

June 22, 2004